

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

United States of America and State of New  
York, ex rel. Patrick Donohue,

Plaintiff,

-against-

Richard Carranza, in his official capacity as  
the former Chancellor of New York City  
Department of Education, et al.,

Defendants.

USDC SDNY
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DATE FILED: 11/16/2022

1:20-cv-05396 (GHW) (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

Based upon the Court's review of the Letter Motion filed at ECF No. 226 by defendants Niagara Falls City School District s/h/a Niagara Falls Public School District and Mark Laurrie, in his official capacity as Superintendent (collectively, "Niagara"), it is hereby ORDERED that, no later than November 23, 2022, Plaintiff-Relator shall respond to Niagara's Letter Motion. Plaintiff-Relator's response shall address at least the following:

1. Whether Plaintiff-Relator consents to vacating the November 2, 2022 Certificate of Default against Niagara (ECF No 217). *See Atl. Pac. Lines, Inc. v. N. Am. Cargo, Inc.*, No. 19-CV-08037 (GBD) (SDA), 2021 WL 5853327, at \*2 (S.D.N.Y. Dec. 9, 2021) (setting forth lenient standard for motion to vacate the entry of default pursuant to Rule 55(c).)
2. Whether Plaintiff-Relator consents to dismissal of the New York State and New York City claims against Niagara. (*See* Pl.'s 10/17/22 Ltr., ECF No. 198, at 2 ("The Relator intends to file a Motion for Dismissal with regard to those State and City claims against

Niagara Falls Public School District and Mark Laurrie, in his official capacity as the Superintendent, as those Parties have not yet appeared.”).)

3. Whether Plaintiff-Relator consents to Niagara filing a motion to dismiss in which it simply incorporates by reference the arguments made in the memorandum of law filed at ECF No. 169 by certain defendants in support of their motion to dismiss (see Niagara 11/15/22 Ltr., ECF No. 226, at 2 n.1), to avoid the necessity for further, duplicative briefing.

No later than November 30, 2022, Niagara may file a reply letter.

**SO ORDERED.**

Dated:           New York, New York  
                 November 16, 2022

  
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STEWART D. AARON  
United States Magistrate Judge